



Crl.O.P.(MD)No.6086 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.03.2023**

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.6086 of 2023

and

Crl.M.P(MD).No.5337 of 2023

P.Sudalaimuthu

... Petitioner/Accused No.3

Vs.

1.The State rep.by,
The Sub Inspector of police
Aralvaimozhi Police Station,
Kanyakumari District,
(Crime No.117 of 2018)

2. V.Simyeon

... Respondents

PRAYER: Criminal Original Peititon is filed under Section 482 of Cr.P.C, to call for the records relating to Crime No.117/2018, Dated 28th April 2018, on the file of the first respondent police and quash the same as illegal.

For Petitioner
For Respondent

: Mr.V.Balaji Rajaram,
: Mr.B.Nambiselvan,
Additional Public Prosecutor



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ORDER

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This petition has been filed seeking to quash the impugned FIR in Crime No. 117/2018 on the file of the 1st respondent police.

2.The contention of the petitioner is that based on the complaint lodged by the 2nd respondent, the 1st respondent registered the First Information Report in Crime No. 117/2018 for the offences punishable under Sections 153(A), 243, 355 of IPC against the petitioner. The grievance of the petitioner is that though the case was registered in the year 2018, so far no final report has been filed before the concerned Court.

3.The learned Additional Public Prosecutor submitted that so far final report has not been filed before the concerned Court.

4.Considering the nature of offence made out against the petitioner, this Court is of the view that since even after a lapse of five years, the final report has not been filed before the Concerned Court, it is



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barred by limitation under Section 468 of Cr.P.C . Therefore, this Court is inclined to allow this petition.

5.This criminal original petition is allowed and the FIR in Crime No. 117/2018 on the file of the respondent police is hereby quashed. Consequently, connected miscellaneous petition is closed.

31.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1. The Sub Inspector of police
Aralvaimozhi Police Station,
Kanyakumari District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J

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Order made in

CrI.O.P.(MD)No.6086 of 2023

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